

SPECIAL ALERT!

Commercial Driver's License Rules Update

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) was passed in 1999. MCSIA amended numerous provisions of Title 49 related to licensing and sanctioning of Commercial Motor Vehicle Drivers required to hold a commercial driver license (CDL). MCSIA directed the Federal DOT to correct/amend its regulations and correct weaknesses in the CDL program.

The final rules were published July 31, 2002 with an effective date of September 30, 2002. States must be in compliance within three years of the effective date of the rule to avoid penalties for non-compliance. Non-compliance will result in loss of Motor Carrier Safety Assistance Program Grant Funds (MCSAP) as well as Federal-Aid highway funds.

Requirements outlined in the Final Rule:

1. Commercial Driver License disqualification is required if convicted of driving while suspended, disqualified or for causing a fatality.
2. Provides for emergency disqualification of drivers posing an imminent hazard.
3. Expands the list of serious traffic violations to include: driving a CMV without a CDL, driving a CMV without a CDL in driver's possession, and driving a CMV without the proper CDL and/or endorsement.
4. Extends the driver record check. Applicants for a CDL must provide state licensing agency with the name of all states where previously licensed for the last ten years. States must maintain a CDL driver-history record for violations received while driving any type of vehicle. Convictions & licensing actions must be kept three years. States must be connected to CDLIS (Commercial Driver License Information System) and the National Driver Register (NDR). States must check the current state of licensure before a CDL is issued.
5. New notification requirements. When a state disqualifies, revokes, suspends or cancels a CDL or refuses to let the operator drive a CMV for at least 60 days, the state must notify the state of record and CDLIS within 10 days. Within three years from effective date of rule, conviction notifications must be made within 30 days of the conviction. Within six years from effective date of rule, conviction notifications must be made within 10 days of the convictions.
6. Masking of convictions is prohibited.
7. **Requires disqualification for violations obtained while driving a non-CMV.**
8. Prohibits states from issuing commercial driver work permits.
9. The Federal Motor Carrier Safety Administration (FMCSA) may prohibit a state from issuing CDLs if found to be in non-compliance. In this case, the driver would need to get CDL in a state that issues non-resident CDLs. States are authorized but not required to issue non-resident CDLs to such drivers.
10. Requires a new endorsement for school bus operators. Requires driver to pass both knowledge and a skills test to obtain a new school-bus endorsement. States with a school bus licensing program that meets the FMCSA requirements may continue to license with that program. States have the option to not require applicants for the school bus endorsement to take the skills test if applicant has experience driving a school bus and meets safety criteria.

By Cindy Gerber, Director, SD Licensing Program